

D&CP – OFFICE OF THE LEGAL ADVISOR

Resource Summary

(\$ in thousands)

Appropriations	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Positions	255	255	265	10
Funds	48,552	49,559	55,800	6,241

Mission

The Office of the Legal Adviser (L) advises and represents the Department on all international and domestic legal policy issues arising in connection with U.S. foreign policy and the work of the Department.

L provides critical support for U.S. Government foreign policies – in particular, key initiatives in Iraq and Afghanistan, as well as initiatives to achieve democratic Israeli and Palestinian states living in peace. The Bureau helps to ameliorate and resolve political and humanitarian crises in Kosovo, Darfur, and other areas around the globe and is a key component of efforts to fight international terrorism and other threats to U.S. security. L is instrumental in other important areas of work of the Department, including nonproliferation, human rights, the environment, law enforcement, and the rule of law.

L is also an essential partner in supporting the Department's management by providing legal advice on a wide range of matters: the expenditure of assistance and operating funds; the provision of consular services; passport and visa operations and border security; buildings and acquisitions; Department authorities; U.S. diplomatic and consular operations abroad; personnel systems for employees, including the Foreign Service and Civil Service; security of personnel and information technology; privileges and immunities; regulations and directives; domestic and foreign litigation; ethics and financial disclosure; and information law. L manages the U.S. Treaty Program and is responsible for defending and representing the United States before international bodies, such as arbitrations under the North American Free Trade Agreement and cases before the International Court of Justice.

Priorities

L's overarching priorities include:

- Providing timely, first-rate legal services on all legal issues, domestic and international, arising in the course of the Department's work. This includes focusing on key foreign policy objectives, as well as the pursuit of managerial and organizational excellence overall.
- Developing, conducting and managing the Treaty Program, extraditions, private international law, representing and defending the United States before international legal bodies, claims, and other programs for which L has lead responsibility so as to meet the highest standards of program management and best serve the foreign policy, security, and public interests of the United States.
- Promoting the development of international law and its institutions as a fundamental element of U.S. foreign policy and advancing the rule of law. The United States relies on international law as a means to secure a peaceful world. The rule of law will remain an essential component of U.S. foreign policy initiatives.

Specific priority areas for FY 2010 will include:

- Developing and advocating for U.S. legal and legal policy positions, and presenting them to domestic and international audiences in order to advance U.S. interests.

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- Continuing to perform a critical role in preventing and resolving humanitarian and political crises and conflicts.
- Supporting achievement of the Department’s consular and management goals.
- Promoting global stability through robust counterterrorism initiatives, international law enforcement, and nonproliferation of weapons of mass destruction.
- Developing and defending an effective domestic and international legal framework to promote a healthy global economy and environment.
- Advocating for U.S. interests in domestic and international legal fora.

In support of our international law priorities, L engages in a variety of activities including extraditions. The number of extradition and provisional arrest requests made by the Office of the Legal Adviser directly support the Department’s Strategic Plan and in particular, the goal of “Achieving Peace and Security.” These extraditions materially support the development and maintenance of effective mutual legal assistance relationships with other countries and international organizations which counter transnational crime. In addition to aiding ongoing relationships with national and international criminal and law enforcement agencies, the extradition and arrests program is a sound measure of the effectiveness of legal advice and services that advance the strategic goals of the Department of State and the United States.

STRATEGIC GOAL: ACHIEVING PEACE AND SECURITY								
Strategic Priority: Transnational Crime								
Indicator	FY 2005 Results	FY 2006 Results	FY 2007 Results	FY 2008			FY 2009 Target	FY 2010 Target
				Target	Results	Rating		
Number of extraditions and provisional requests filed annually.	Indicator and baseline were established in 2008.	Indicator and baseline were established in 2008.	Indicator and baseline were established in 2008.	Baseline year.	950	Data Not Yet Available	900 *	910 *
Impact	The legal support of U.S. interests in international fora is advanced.							
Data Source and Quality	The database is maintained by the extraditions unit in the Office of the Legal Adviser. Data Quality Assessment revealed no significant data limitations.							

* Consistent with past experience, it is anticipated that the number of case will increase in the latter years of the new administration.

Justification of Program Change

Legal Initiatives: \$5,409,000, including 10 Positions

Increased funding will allow the Office of the Legal Adviser to augment the number of lawyers to meet the approximately 20 % increase in litigation. In particular, the requirement that US citizens entering the US from our northern and southern borders need a US passport has increased the caseload of L/CA (Consular Affairs). In addition, L/PM’s (Political Military) workload has gone up dramatically in response to the Executive Orders on detainees, transfers, and interrogations. L/CID (Claims and Investments Disputes) has been asked to provide extensive legal guidance to the White House and other agencies, concerning the implications of U.S. victims of terrorism who seek redress in court against foreign governments, and the effects of their legal actions on U.S. foreign policy. Moreover, additional lawyers would allow L to provide critical support to the Administration’s ambitious agenda in several areas, including: reengagement with international human rights bodies; comprehensive review of previously concluded human right treaties with a view to the United States becoming a party; negotiation of arms control agreements –

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including further reduction under the Strategic Arms Reduction Treaty (START); participation in the 2010 Nonproliferation Treaty Review Conference; and increased engagement with international criminal tribunals – including an anticipated expanded role in support of activities of the International Criminal Court (ICC) and preparation for the legally intensive program of work at the 2010 ICC Rome Statute Review Conference. Augmenting the number of lawyers in L will also allow for continued timely, comprehensive and effective legal services to meet the increasing case load particularly in the areas of ethics, transnational crime, treaty obligations and extensive reporting mandated by multiple human rights treaties.

This funding request will also allow L to modernize its document management system, establish an off-site contingency plan for information storage that will meet all United States Government standards, and modernize office space and equipment by exploiting best management practices and green technology.

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FY 2010 Request Resource Summary

	Positions			Pos Total	Funds (\$ in thousands)		
	American Domestic	Overseas	FSN		Bureau Managed	American Salaries	Funds Total
FY 2008 Actual	255	0	0	255	11,123	37,429	48,552
FY 2009 Estimate	255	0	0	255	10,653	38,906	49,559
FY 2010 Built-in Changes							
Annualization of FY 2009							
American COLA	0	0	0	0	3	192	195
Domestic Inflation	0	0	0	0	42	0	42
FY 2010 American Cost of Living Adjustment	0	0	0	0	9	586	595
Total Built-in Changes	0	0	0	0	54	778	832
FY 2010 Current Services	255	0	0	255	10,707	39,684	50,391
FY 2010 Program Changes							
Legal	10	0	0	10	4,189	1,220	5,409
Total Program Changes	10	0	0	10	4,189	1,220	5,409
FY 2010 Request	265	0	0	265	14,896	40,904	55,800

Staff by Program Activity

(positions)

Office of the Legal Adviser	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Conduct of Diplomatic Relations	221	224	234	10
Legal Affairs	221	224	234	10
Domestic Administrative Support	12	12	12	0
Domestic Administrative Management	7	7	7	0
Domestic Financial Services	2	2	2	0
Domestic Personnel Services	3	3	3	0
Information Resource Management	4	1	1	0
Office Automation	4	1	1	0
Information Services	4	1	1	0
Policy Formulation	18	18	18	0
Bureau Direction	18	18	18	0
Total	255	255	265	10

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Funds by Program Activity

(\$ in thousands)

Office of the Legal Adviser	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Conduct of Diplomatic Relations	44,186	44,708	47,251	2,543
Legal Affairs	44,186	44,708	47,251	2,543
Domestic Administrative Support	1,337	2,100	4,944	2,844
Domestic Administrative Management	889	1,585	4,404	2,819
Domestic Financial Services	201	229	240	11
Domestic Personnel Services	247	286	300	14
Information Resource Management	2,393	2,097	2,945	848
Office Automation	2,393	2,097	2,945	848
Information Services	2,393	2,097	2,945	848
Policy Formulation	636	654	660	6
Bureau Direction	636	654	660	6
Total	48,552	49,559	55,800	6,241

FY 2010 Request Program Activities

Office of the Legal Adviser	Positions				Funds (\$ in thousands)		
	American Domestic	Overseas	FSN	Pos Total	Bureau Managed	American Salaries	Funds Total
Conduct of Diplomatic Relations	234	0	0	234	7,943	39,308	47,251
Legal Affairs	234	0	0	234	7,943	39,308	47,251
Domestic Administrative Support	12	0	0	12	3,800	1,144	4,944
Domestic Administrative Management	7	0	0	7	3,748	656	4,404
Domestic Financial Services	2	0	0	2	21	219	240
Domestic Personnel Services	3	0	0	3	31	269	300
Information Resource Management	1	0	0	1	2,834	111	2,945
Office Automation	1	0	0	1	2,834	111	2,945
Information Services	1	0	0	1	2,834	111	2,945
Policy Formulation	18	0	0	18	319	341	660
Bureau Direction	18	0	0	18	319	341	660
Total	265	0	0	265	14,896	40,904	55,800

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Staff by Domestic Organization Unit

(positions)

Office of the Legal Adviser	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
African and Near Eastern Affairs	4	4	4	0
Buildings and Acquisitions	7	7	7	0
Consular Affairs	12	12	14	2
Deputy Legal Advisers	14	14	14	0
Diplomatic Law and Litigation	9	9	9	0
East and South Asian Affairs	5	5	5	0
Economic and Business Affairs	10	10	10	0
Employment Law	20	22	24	2
European Affairs	3	3	3	0
Executive Director	16	13	13	0
General Management	12	12	12	0
Human Rights and Refugees	10	11	12	1
International Claims and Investment Disputes	39	39	41	2
Law Enforcement and Intelligence	13	13	15	2
Legal Adviser	4	4	4	0
Legislation and Foreign Assistance	6	6	6	0
Non Proliferation and Verification	12	12	12	0
Oceans, International Environmental & Scientific Affairs	10	10	10	0
Political-Military Affairs	10	10	11	1
Private International Law	5	5	5	0
Public Diplomacy and Public Affairs	7	7	7	0
Treaty Affairs	16	16	16	0
United Nations Affairs	6	6	6	0
Western Hemisphere Affairs	5	5	5	0
Total	255	255	265	10

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Funds by Domestic Organization Unit

(\$ in thousands)

Office of the Legal Adviser	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
African and Near Eastern Affairs	930	1,030	1,109	79
Buildings and Acquisitions	1,089	1,231	1,287	56
Consular Affairs	1,857	2,109	2,229	120
Deputy Legal Advisers	2,519	2,533	2,657	124
Diplomatic Law and Litigation	1,549	1,711	1,814	103
East and South Asian Affairs	626	704	732	28
Economic and Business Affairs	1,414	1,591	1,670	79
Employment Law	3,098	3,537	3,743	206
European Affairs	467	523	544	21
Executive Director	4,510	2,558	6,361	3,803
General Management	2,322	2,549	2,675	126
Human Rights and Refugees	1,374	1,530	1,724	194
International Claims and Investment Disputes	11,573	10,921	11,302	381
Law Enforcement and Intelligence	2,168	2,475	2,645	170
Legal Adviser	613	691	727	36
Legislation and Foreign Assistance	773	888	938	50
Non Proliferation and Verification	1,537	1,745	1,834	89
Oceans, International Environmental & Scientific Affairs	1,558	1,706	1,795	89
Political-Military Affairs	1,857	2,367	2,495	128
Private International Law	1,316	1,486	1,565	79
Public Diplomacy and Public Affairs	1,080	1,072	1,126	54
Treaty Affairs	2,464	2,521	2,647	126
United Nations Affairs	1,084	1,235	1,295	60
Western Hemisphere Affairs	774	846	886	40
Total	48,552	49,559	55,800	6,241

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Funds by Object Class

(\$ in thousands)

Office of the Legal Adviser	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
1100 Personnel Compensation	28,248	29,391	30,883	1,492
1200 Personnel Benefits	10,036	10,435	10,970	535
2100 Travel & Trans of Persons	498	536	543	7
2300 Rents, Comm & Utilities	737	793	939	146
2400 Printing & Reproduction	301	232	235	3
2500 Other Services	3,138	3,173	3,446	273
2600 Supplies and Materials	196	213	690	477
3100 Personal Property	179	193	3,437	3,244
4100 Grants, Subsidies & Contrb	5,219	4,593	4,657	64
Total	48,552	49,559	55,800	6,241